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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,992	04/12/2004	Toshikazu Morisawa	008312-0309175	1575

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EXAMINER

MURALIDAR, RICHARD V

ART UNIT	PAPER NUMBER
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2838

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/821,992	Applicant(s) MORISAWA, TOSHIKAZU	
	Examiner Richard V. Muralidar	Art Unit 2838	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-8, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Hatori et al [U.S. 6885115].

With respect to Claims 1 and 6 [amended], Hatori discloses an electronic apparatus/method [Fig. 2, notebook pc 101], comprising: a power management section [Fig. 2, power supply system 102] configured to manage power based on a schedule data table [Fig. 2, peak-shift period and time Data Base 106 contains load consumption information used to make power management decisions, col. 3 lines 44-51; col. 6 lines 25-41. The schedule data table is represented in graphical format by Figs. 4-6] on which at least an AC power inhibit period [Fig. 4, 13-16 hours is the AC power inhibit period; col. 2 lines 21-24; col. 3 lines 4-7; col. 9 lines 50-67] for inhibiting use of AC power is set and on which a battery-driven period [Fig. 4, time increments 13-16] for driving the apparatus by a battery can be registered [all data as outlined by Figs. 4-6 pertaining to battery charge periods, AC inhibit periods etc. are registered/stored in Data Base 106- col. 6 lines 34-37]; a state determining section [Fig. 2, controller 104;

col. 7 lines 51-57; col. 8 lines 45-52] configured to determine whether the battery-driven period is registered in the schedule data table [Fig. 2, stored in peak shift period and time Data Base 106; determination of the existence of the data is intrinsic whenever controller 104 checks Data Base 106 for operational commands regarding battery charging, peaking shaving, etc.] when the electronic apparatus is connected with the AC power [Fig. 2, controller 104 checks Data Base 106 to see if it is time to carry out peak shifting. If it is, controller 104 switches from commercial source 110 to built-in battery 103, in order to reduce peak loading]; and a power control section [Fig. 2, charging circuit 112 in conjunction with instructions from controller 104] configured to start battery charge before a certain period from a start point of the battery-driven period even if a current time is equivalent to the AC power inhibit period set in the power management section [Fig. 5, time increments 15-16 says charge the battery even if it is currently the peak loading period and AC is supposed be inhibited; col. 10 lines 17-25] when the state determining section determines that the battery-driven period is registered in the schedule data table [determination of the existence of the data is implicit whenever controller 104 checks Data Base 106 for operational commands regarding battery charging, peaking shaving, etc.].

With respect to Claims 2 and 7 [amended], Hatori discloses a charge inhibit period [Fig. 6, the period from 0 to 16 and 21 to 24 is the battery charge inhibit period] for inhibiting battery charge is set in the schedule data table [the charge inhibit period is set as shown in Fig. 6, time increments 0-13 and 16-24], and the power control section [Fig. 2, charging circuit 112 in conjunction with instructions from controller 104]

executes battery charge using the AC power even if a current time is equivalent to the charge inhibit period set in the power management section [Fig. 5, time increments 15-16 says charge the battery *even* if it is currently the peak loading period and AC is supposed be inhibited; col. 10 lines 17-25] when the state determining section determines that the battery-driven period is registered in the schedule data table [Fig. 2, controller 104 checks Data Base 106 to see if it is time to carry out peak shifting. If it is, controller 104 switches from commercial source 110 to built-in battery 103, in order to reduce peak loading- col. 6 lines 25-41].

With respect to Claims 3 and 8 [amended], Hatori discloses the state determining section [Fig. 2, controller 104; col. 7 lines 51-57; col. 8 lines 45-52] calculates a charge time period required to charge the battery to the maximum battery capacity, based on a battery capacity at a current time [Figs. 4 and 5 show the time period the battery is charged to the maximum capacity, col. 10 lines 30-35. Controller 104 calculates this based on the values stored in Data Base 106; in Fig. 4 this is from 16 to 21 hours, meaning controller 104 will calculate and command a 5 hour charge period to charging circuit 112], and determines whether there exists a start point of the battery-driven period until the charge time period elapses from the current time [the existence of ALL periods are implicitly verified whenever controller 104 checks Data Base 106 for operational commands regarding battery charging, peaking shaving, etc.].

With respect to Claims 5 and 10, Hatori discloses a charging period for charging the battery [Fig. 6, time increment 16-21] can be registered in the schedule data table [Fig. 6 illustrates the load consumption data throughout the course of a day that is

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stored in memory. Fig. 2 Data Base 6 is the memory that registers all the periods, including battery charging, ac inhibit, etc. Additionally, controller 4 has its own memory for storing data, col. 6 lines 27-29, whenever it fetches values from Data Base 6] for requesting battery charge to the schedule note, and the state determining section detects the charging period registered in the schedule data table [Figs. 2 and 3, controller 104 checks Data Base 106 to see if it is time to carry out battery charging. If it is, controller 104 sends the appropriate command to charging circuit 112- col. 6 lines 19-41; col. 7 lines 51-61].

Response to Arguments

Applicant's arguments filed 08/28/2006 have been fully considered but they are not persuasive.

Applicant comments on page 6 that Hatori [U.S. 6885115] fails to teach or suggest managing power based on a schedule data table on which a battery-driven period for driving the apparatus; or the battery charge using the AC power before a certain period from a start point of the battery-driven period, even if the current time is equivalent to the AC power inhibit period set in the power management section when the state determining section determines that the battery-driven period is registered in the schedule data table. This is amended claim language that has been addressed in claim 1 above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art [U.S. 6380715] by Kubo is cited for the disclosure of a load leveling device including a battery, a power detector detecting power supplied from the power source, a power converter converting power charged to and discharged from the battery, and a power controller controlling power converted by the power controller.

Prior art [U.S. 6674265] by Yoshida is cited for the disclosure of an operation method for a secondary battery and a secondary battery device with load leveling features.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard V. Muralidar whose telephone number is 571-272-8933. The examiner can normally be reached on Monday to Friday 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Karl Easthom can be reached on Monday to Friday 7-4. The fax phone number for the organization where this application or proceeding is assigned is 571-272-1989.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RVM
11/15/2006



KARL EASTHOM
SUPERVISORY PATENT EXAMINER